

# As Passed by the Senate

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Senators Goodman, Amstutz, Coughlin, Clancy, Schuler, Jacobson, Cates,  
Mumper, Austria, Schuring, Grendell, Wachtmann, Gardner, Carey, Padgett,  
Jordan, Spada, Hottinger, Zurz, Armbruster, Niehaus, Hagan, Dann, Fedor,  
Miller

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## A B I L L

To amend sections 2901.11 and 2901.12 of the Revised	1
Code to clarify the application of the state's	2
criminal jurisdiction statute to offenses	3
committed in a jurisdiction other than Ohio that	4
result from a conspiracy, an attempt, or	5
complicity to commit the offense that occurs in	6
Ohio; to clarify the application of that statute	7
in homicide cases; to clarify that Ohio criminal	8
specifications are applicable to persons who	9
commit an offense in a jurisdiction other than	10
Ohio but are subject to Ohio criminal	11
jurisdiction; and to make other related changes to	12
the state's criminal jurisdiction and venue	13
statutes.	14

### BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

<b>Section 1.</b> That sections 2901.11 and 2901.12 of the Revised	15
Code be amended to read as follows:	16

<b>Sec. 2901.11.</b> (A) A person is subject to criminal prosecution	17
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and punishment in this state if any of the following occur: 18

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(1) The person commits an offense under the laws of this 20  
state, any element of which takes place in this state. 21

(2) While in this state, the person ~~conspires or~~ attempts to 22  
commit, or is guilty of complicity in the commission of, an 23  
offense in another jurisdiction, which offense is an offense under 24  
both the laws of this state and the other jurisdiction, or, while 25  
in this state, the person conspires to commit an offense in 26  
another jurisdiction, which offense is an offense under both the 27  
laws of this state and the other jurisdiction, and a substantial 28  
overt act in furtherance of the conspiracy is undertaken in this 29  
state by the person or another person involved in the conspiracy, 30  
subsequent to the person's entrance into the conspiracy. In any 31  
case in which a person attempts to commit, is guilty of complicity 32  
in the commission of, or conspires to commit an offense in another 33  
jurisdiction as described in this division, the person is subject 34  
to criminal prosecution and punishment in this state for the 35  
attempt, complicity, or conspiracy, and for any resulting offense 36  
that is committed or completed in the other jurisdiction. 37

(3) While out of this state, the person conspires or attempts 38  
to commit, or is guilty of complicity in the commission of, an 39  
offense in this state. 40

(4) While out of this state, the person omits to perform a 41  
legal duty imposed by the laws of this state, which omission 42  
affects a legitimate interest of the state in protecting, 43  
governing, or regulating any person, property, thing, transaction, 44  
or activity in this state. 45

(5) While out of this state, the person unlawfully takes or 46  
retains property and subsequently brings any of the unlawfully 47  
taken or retained property into this state. 48

(6) While out of this state, the person unlawfully takes or 49  
entices another and subsequently brings the other person into this 50  
state. 51

(7) The person, by means of a computer, computer system, 52  
computer network, telecommunication, telecommunications device, 53  
telecommunications service, or information service, causes or 54  
knowingly permits any writing, data, image, or other 55  
telecommunication to be disseminated or transmitted into this 56  
state in violation of the law of this state. 57

(B) In homicide, the element referred to in division (A)(1) 58  
of this section ~~is either~~ includes the act that causes death, ~~or~~ 59  
the physical contact that causes death, ~~or~~ the death itself, or 60  
any other element that is set forth in the offense in question. If 61  
any part of the body of a homicide victim is found in this state, 62  
the death is presumed to have occurred within this state. 63

(C)(1) This state includes the land and water within its 64  
boundaries and the air space above that land and water, with 65  
respect to which this state has either exclusive or concurrent 66  
legislative jurisdiction. Where the boundary between this state 67  
and another state or foreign country is disputed, the disputed 68  
territory is conclusively presumed to be within this state for 69  
purposes of this section. 70

(2) The courts of common pleas of Adams, Athens, Belmont, 71  
Brown, Clermont, Columbiana, Gallia, Hamilton, Jefferson, 72  
Lawrence, Meigs, Monroe, Scioto, and Washington counties have 73  
jurisdiction beyond the north or northwest shore of the Ohio river 74  
extending to the opposite shore line, between the extended 75  
boundary lines of any adjacent counties or adjacent state. Each of 76  
those courts of common pleas has concurrent jurisdiction on the 77  
Ohio river with any adjacent court of common pleas that borders on 78  
that river and with any court of Kentucky or of West Virginia that 79

borders on the Ohio river and that has jurisdiction on the Ohio  
river under the law of Kentucky or the law of West Virginia,  
whichever is applicable, or under federal law.

(D) When an offense is committed under the laws of this  
state, and it appears beyond a reasonable doubt that the offense  
or any element of the offense took place either in this state or  
in another jurisdiction or jurisdictions, but it cannot reasonably  
be determined in which it took place, the offense or element is  
conclusively presumed to have taken place in this state for  
purposes of this section.

(E) When a person is subject to criminal prosecution and  
punishment in this state for an offense committed or completed  
outside of this state, the person is subject to all specifications  
for that offense that would be applicable if the offense had been  
committed within this state.

(F) Any act, conduct, or element that is a basis of a person  
being subject under this section to criminal prosecution and  
punishment in this state need not be committed personally by the  
person as long as it is committed by another person who is in  
complicity or conspiracy with the person.

(G) This section shall be liberally construed, consistent  
with constitutional limitations, to allow this state the broadest  
possible jurisdiction over offenses and persons committing  
offenses in, or affecting, this state.

(H) For purposes of division (A)(2) of this section, an overt  
act is substantial when it is of a character that manifests a  
purpose on the part of the actor that the object of the conspiracy  
should be completed.

(I) As used in this section, "computer," "computer system,"  
"computer network," "information service," "telecommunication,"  
"telecommunications device," "telecommunications service," "data,"

and "writing" have the same meanings as in section 2913.01 of the Revised Code.

**Sec. 2901.12.** (A) The trial of a criminal case in this state shall be held in a court having jurisdiction of the subject matter, and in the territory of which the offense or any element of the offense was committed.

(B) When the offense or any element of the offense was committed in an aircraft, motor vehicle, train, watercraft, or other vehicle, in transit, and it cannot reasonably be determined in which jurisdiction the offense was committed, the offender may be tried in any jurisdiction through which the aircraft, motor vehicle, train, watercraft, or other vehicle passed.

(C) When the offense involved the unlawful taking or receiving of property or the unlawful taking or enticing of another, the offender may be tried in any jurisdiction from which or into which the property or victim was taken, received, or enticed.

(D) When the offense is conspiracy, attempt, or complicity cognizable under division (A)(2) of section 2901.11 of the Revised Code, the offender may be tried in any jurisdiction in which the conspiracy, attempt, complicity, or any of its elements occurred. If an offense resulted outside this state from the conspiracy, attempt, or complicity, that resulting offense also may be tried in any jurisdiction in which the conspiracy, attempt, complicity, or any of the elements of the conspiracy, attempt, or complicity occurred.

(E) When the offense is conspiracy or attempt cognizable under division (A)(3) of section 2901.11 of the Revised Code, the offender may be tried in any jurisdiction in which the offense that was the object of the conspiracy or attempt, or any element of that offense, was intended to or could have taken place. When

the offense is complicity cognizable under division (A)(3) of 142  
section 2901.11 of the Revised Code, the offender may be tried in 143  
any jurisdiction in which the principal offender may be tried. 144

(F) When an offense is considered to have been committed in 145  
this state while the offender was out of this state, and the 146  
jurisdiction in this state in which the offense or any material 147  
element of the offense was committed is not reasonably 148  
ascertainable, the offender may be tried in any jurisdiction in 149  
which the offense or element reasonably could have been committed. 150

(G) When it appears beyond a reasonable doubt that an offense 151  
or any element of an offense was committed in any of two or more 152  
jurisdictions, but it cannot reasonably be determined in which 153  
jurisdiction the offense or element was committed, the offender 154  
may be tried in any of those jurisdictions. 155

(H) When an offender, as part of a course of criminal 156  
conduct, commits offenses in different jurisdictions, the offender 157  
may be tried for all of those offenses in any jurisdiction in 158  
which one of those offenses or any element of one of those 159  
offenses occurred. Without limitation on the evidence that may be 160  
used to establish the course of criminal conduct, any of the 161  
following is prima-facie evidence of a course of criminal conduct: 162

(1) The offenses involved the same victim, or victims of the 163  
same type or from the same group. 164

(2) The offenses were committed by the offender in the 165  
offender's same employment, or capacity, or relationship to 166  
another. 167

(3) The offenses were committed as part of the same 168  
transaction or chain of events, or in furtherance of the same 169  
purpose or objective. 170

(4) The offenses were committed in furtherance of the same 171

conspiracy. 172

(5) The offenses involved the same or a similar modus 173  
operandi. 174

(6) The offenses were committed along the offender's line of 175  
travel in this state, regardless of the offender's point of origin 176  
or destination. 177

(I)(1) When the offense involves a computer, computer system, 178  
computer network, telecommunication, telecommunications device, 179  
telecommunications service, or information service, the offender 180  
may be tried in any jurisdiction containing any location of the 181  
computer, computer system, or computer network of the victim of 182  
the offense, in any jurisdiction from which or into which, as part 183  
of the offense, any writing, data, or image is disseminated or 184  
transmitted by means of a computer, computer system, computer 185  
network, telecommunication, telecommunications device, 186  
telecommunications service, or information service, or in any 187  
jurisdiction in which the alleged offender commits any activity 188  
that is an essential part of the offense. 189

(2) As used in this section, "computer," "computer system," 190  
"computer network," "information service," "telecommunication," 191  
"telecommunications device," "telecommunications service," "data," 192  
and "writing" have the same meanings as in section 2913.01 of the 193  
Revised Code. 194

(J) When the offense involves the death of a person, and it 195  
cannot reasonably be determined in which jurisdiction the offense 196  
was committed, the offender may be tried in the jurisdiction in 197  
which the dead person's body or any part of the dead person's body 198  
was found. 199

(K) Notwithstanding any other requirement for the place of 200  
trial, venue may be changed, upon motion of the prosecution, the 201  
defense, or the court, to any court having jurisdiction of the 202

subject matter outside the county in which trial otherwise would 203  
be held, when it appears that a fair and impartial trial cannot be 204  
held in the jurisdiction in which trial otherwise would be held, 205  
or when it appears that trial should be held in another 206  
jurisdiction for the convenience of the parties and in the 207  
interests of justice. 208

**Section 2.** That existing sections 2901.11 and 2901.12 of the 209  
Revised Code are hereby repealed. 210

**Section 3.** The General Assembly hereby declares that it 211  
intends by the amendments made by Sections 1 and 2 of this act to 212  
prospectively overrule the decision of the Ohio Supreme Court in 213  
*State v. Yarbrough* (2004), 104 Ohio St. 3d 1. 214